Vice Chairman Charlie Nystrom called a scheduled hearing of the Mesa County Planning Commission to order at 7:03 p.m. Vice Chairman Nystrom led the Pledge of Allegiance. The hearing was held at the Mesa County Courthouse, 544 Rood Avenue, Grand Junction, Colorado.

In attendance, representing the Mesa County Planning Commission, were: Mark Bonella, David Caldwell, Mary Fuller, Bruce Kresin, Jean Moores, and Charlie Nystrom.

In attendance, representing the Department of Planning and Development, were: Kurt Larsen, Jim Hinderaker, and Dahna Raugh. Kristy Pauley was present to record the minutes.

There were approximately 35 citizens present throughout the course of the hearing.

APPROVAL OF MINUTES

There were no minutes for approval.

CONSENT ITEM(S):

Vice Chairman Nystrom explained the item on the consent agenda. There was no one who was interested in hearing this item.

**2002-165 CUP1**  **LAND’S END FIRE STATION**
**Owner:** Pronghorn at Kannah Creek, LLC
**Representative:** Brian Cherveny
**Location:** Siminoe Road approximately 600 feet southwest of US Highway 50

This is a request for a Conditional Use Permit for a fire station on the subject property to serve the Land’s End Fire Protection District.

**MOTION:** Commissioner Kresin moved that item 2002-165 CUP1 Land’s End Fire Station Conditional Use Permit, be forwarded to the Board of County Commissioners with recommendation of approval. Commissioner Fuller seconded the motion. A vote was called and the motion passed unanimously 6-0.
CONTINUED TO ITEM(S):

2001-075 PP1 HARRIET WHITING SUBDIVISION PRELIMINARY PLAT
Applicant: Harriet Whiting
Representative: Mike Joyce, Development Concepts, Inc.
Location: 151 Whiting Road

This is a request to file a Preliminary Plat for a two-lot Major Subdivision on 34.24 acres of land with proposed lot sizes of 1.47 acres (Lot 1) and 32.77 acres (Lot 2). This property is in an AFT zone district.

2002-058 PP1 INDIAN POINT RANCH SUBDIVISION PRELIMINARY PLAT
Owners: Rodney J. & Patricia M. Bonnell and Steven P. & Janise L. Bonnell
Location: Northwest corner of Purdy Mesa Road and Divide Road intersection

This is a request to file a Preliminary Plat for a four-lot Major Subdivision on two existing parcels totaling approximately 63.04 acres of land. The four lots would range in size from 13.06 to 20.02 acres and would access Purdy Mesa Road. The property is in an AFT zone district.

2001-041 PP1 GILES SUBDIVISION AFT MAJOR SUBDIVISION PRELIMINARY PLAT
Petitioner: Alfred Giles and Sons (Pete Giles)
Representative: Development Concepts, Inc.
Location: 1248 Q Road

This is a request to review an AFT Major Subdivision Preliminary Plat to subdivide a 79.76-acre parcel into five lots.

2001-049 PP1 D & D SUBDIVISION MAJOR SUBDIVISION PRELIMINARY PLAT
Petitioner: Don & Daven Kyle
Location: 878 21 ½ Road, Grand Junction

This is a request to review a Major Subdivision Preliminary Plat to subdivide a 6.9-acre parcel into three lots.

MOTION: Commissioner Kresin moved that items 2001-075 PP1 Harriet Whiting Subdivision Preliminary Plat, 2002-058 PP1 Indian Point Ranch Subdivision Preliminary Plat, 2001-041 PP1 Giles Subdivision AFT Major Subdivision Preliminary Plat and 2001-049 PP1 D & D Subdivision Major Subdivision Preliminary Plat, be continued to
August 1, 2002. Commissioner Fuller seconded the motion. A vote was called and the motion passed unanimously 6-0.

HEARING ITEM(S):

2001-179 PP1  THE VISTAS AT PRITCHARD MESA
   AFT MAJOR SUBDIVISION PRELIMINARY PLAT
Petitioners:   Alvin L. & Catherine Thorpe
Location:     J ¾ Road Alignment and 23 Road

This is a request to review an AFT Major Subdivision Preliminary Plat to subdivide an existing 43.97-acre parcel into five lots.

   Staff’s Presentation: Jim Hinderaker, Senior Planner, entered into the record the project file and project review dated July 9, 2002, 2000 Mesa County Land Development Code, Mesa County Master Plan, Mesa County Standard Specifications for Road and Bridge Construction, Staff Exhibit A (PowerPoint presentation), Staff Exhibit B, a memo from Carl White, Mesa County Traffic Services, and Staff Exhibit C, a letter dated July 23, 2002, from adjacent property owners (nine signatures) in opposition to the proposal. Mr. Hinderaker presented the request. The Preliminary Plan was exhibited. Staff Exhibit D, Site Plan, was presented, as well as a Zoning/Parcel Map. Color photos of the subject property were also exhibited. The applicant recently completed a Simple Land Division on the property to the south of the subject property. Of issue, as proposed, are the two separate access points, which violate the Mesa County Standard Specifications for Road and Bridge Construction, Section 4.6.2.A. The regulation states that no more than one access approach shall be provided to an individual parcel or to contiguous parcels under the same ownership unless it can be shown that additional access approaches would not be detrimental to the safety and operation of the road, and are necessary for the safety and efficient use of the property. In addition, the two separate access points violate Section 7.16.1 of the 2000 Mesa County Land Development Code. Based on the submitted project narrative, staff believes the petitioner has failed to demonstrate that two access points to 23 Road is necessary. The memorandum from Carl White, Mesa County Traffic Services, was referred to. There were no other issues except access. The petitioner is willing to cluster and preserve agricultural characteristics of the property. Staff felt the Mesa County Master Plan was adhered to with respect to this.

   Staff’s Recommendation: Approval, with conditions:

1. Recording fees and Development Impact Fee ($225.00 per new lot) shall be payable prior to recording the Final Plat.
2. The number of access points onto the County Road System shall not exceed those allowed by the Mesa County Standard Specifications for Road and Bridge Construction, Section 4.6.2.A. and Section 7.16.1 of the 2000 Mesa County Land Development Code.
3. To that end, the historic access to Lot 1 shall be eliminated and a 25-foot ingress/egress easement between Lots 2 & 5 for the benefit of Lot 1 shall be established. The shared driveway (internal private roadway) would then be required to be paved to the end of the hammerhead per the recommendations of the Mesa County Engineering Department.

4. A building envelope on Lot 1 to be established in accordance with the recommendations of the Mesa County Planning Department prior to recording the Final Plat.

5. All review agency comments shall be addressed, including but not necessarily limited to, a percolation test to be completed as directed by the Mesa County Health Department. The review and recommendations of the Health Department to be adhered to.

6. The Final Plat shall contain Mesa County’s Right to Farm and Ranch Policy.

The petition can demonstrate compliance with Section 3.6.3.F. (1-6) and Section 3.1.17 (A-C) of the 2000 Mesa County Land Development Code if the number of access points are limited to one. In the interest of public safety, the number of access points to the County’s transportation network should be limited. The proposed multiple access to 23 Road is in conflict with the 2000 Mesa County Land Development Code, Section 7.16.1, that states only one shared driveway will be allowed per development.

Although access is an outstanding issue, the petition generally demonstrates compliance with the Mesa Countywide Land Use Plan. The proposed density is acceptable for the area based on the land use and surrounding density within the 2500-foot notification area. The subdivision appears to be compatible with the surrounding residential and agricultural properties. No additional lots can be created for a period of 10 years.

Mr. Hinderaker indicated there were no comments from Mesa County Health Department. They are behind on their project reviews. Dana Black, left a phone message, and said they had no issues with this proposal, other than percolation tests be conducted and ISDS design established.

**Petitioner’s Presentation:** Mike Joyce, Development Concepts, Inc., 2764 Compass Drive, Grand Junction. Mr. Joyce reviewed the subject property’s characteristics. They are in agreement with all staff conditions, with the exception of #2, access. Access is proposed to occur for Lot 1, from the existing driveway from 23 Road, which will continue to provide access for the working farm. Access to Lots 2 through 5 (4 lots) is proposed from a new shared driveway which intersects with 23 Road. The location of the proposed shared driveway is directly across from an existing driveway on the west side of 23 Road. During the Sketch Plan, the petitioner requested 7-lots in order to meet the Code requirement of only 1 driveway per development by providing 1 driveway access point and 1 public road access. Two additional lots were requested in order to pay for the increased infrastructure cost, which has now been deleted since the Code interpretation of “access” has been revised since the Pre-App
was accomplished. Clustering to preserve an additional 5-acres of prime farmland can only be accomplished by allowing the petitioner to continue to use the historic farm access and a shared driveway for the 4 clustered lots. As stated in the “Code of the West”, farming is an “industrial use” with operations occurring late at night and into the early morning hours. Requiring only one access point through the residential cluster of lots, creates an incompatible land use and traffic situation which defeats the purpose of clustering. Farm equipment, semi-trailer and other heavy equipment mixed with residential traffic does not make safety sense. One access point also disrupts the historic irrigation and drainage patterns. Two access points, which include the historic farm access, makes both safety and agricultural sense. Sale of lots will be difficult with farm equipment traveling next to it.

Questions: Commissioner Kresin asked about the two existing access points on the existing farm property onto 23 Road. Mr. Joyce indicated they are willing to close one of those access points. They would keep the access nearest the farm equipment shed. Commissioner Kresin assumed they are dividing the property as it is because of the existing residence and farming area and asked why they are not adhering to the recommended 5-35 acre parcels for the four lots. Mr. Joyce said with clustering the Code allows them to go down to 2-acre parcels, rather than 5-acres.

There was no public comment.

Discussion: Commissioner Caldwell thought it impractical to not have the access for equipment directly off 23 Road. Commissioner Bonella said in “normal” years, the hay shed has been piled high. It used to be Gay Johnson’s farm. There were 1-ton bales that had to be hauled out by a semi-truck. He wouldn’t want that hay going through the other lots. By making them run farm equipment through the shared road, it is creating a safety issue. By having to make a 90-degree turn to the larger lot, they would have to tear down a building. He had no argument with any of this. Sight distance is not a problem either.

MOTION: Commissioner Bonella moved that item 2001-179 PP1 The Vistas at Pritchard Mesa AFT Major Subdivision Preliminary Plat, be forwarded to the Board of County Commissioners with recommendation of approval with all staff recommendations and review agency comments, excluding staff condition #2, opposition of the single access point. Eliminate drive on south side of existing house, keep north driveway, and have an additional shared driveway for the other 4 lots. Commissioner Caldwell seconded the motion. Kurt Larsen said Mr. Bonella had mentioned Section 4.6.2, and the additional accesses would not be detrimental to the safety of the road and are necessary for the efficient use of the property. It was asked that this be included in the motion. A vote was called and the motion passed unanimously 6-0.

Vice Chairman Nystrom said every hearing in the last 4-5 weeks have 1-2 items with multiple driveway issues. We need to get this taken care of. Put this on a fast track, have discussions and a hearing and a change of Code. This is one of the biggest
problems we have. This change has not occurred and it is a big issue for staff and the Commissioners. Commissioners Kresin and Bonella said they could bring it up on August 1, 2002. Mr. Larsen said it could be brought up for discussion and then present a recommendation to the Board of County Commissioners for change. Vice Chairman Nystrom said it should be brought up for discussion as a single item. Commissioner Kresin said the statement in 7.15.2 says one drive shall be discouraged. It doesn’t say you can’t put them there. Mr. Larsen suggested the Commissioners bring it up for discussion on August 1. Changes to the Code have to be initiated by the Board of County Commissioners. This is a change in the road and bridge standards. Intent to minimize access control is essential for long term planning. Commissioner Bonella said it becomes a problem with 40-acre parcels. Mr. Larsen said there is a difference between driveways and public road accesses. Everyone agreed there needs to be further discussion on this issue.

2001-129 PUD1 HUBBARD PUD CONCEPT PLAN/REZONE
Petitioners: Lyman & Janella Hubbard
Representative: Chris McAnany
Location: Approximately 4200 feet northwest of downtown Whitewater on the north side of State Highway 50.

This is a request for a Planned Unit Development Concept Plan and Rezone in order to locate a convenience store/fueling facility and create 5 parcels.

**Staff’s Presentation:** Jim Hinderaker, Senior Planner, entered into the record the project file, 2001-129 PUD1, project review dated March 14, 2002, and revised July 17, 2002, 2000 Mesa County Land Development Code, Mesa County Master Plan and Mesa County Standard Specifications for Road and Bridge Construction. Mr. Hinderaker reviewed the project request and description of the property. The project is proposed in two phases, which were explained. Site Characteristics were presented. A Zoning/Parcel Map was exhibited, as well as a site map. The major issues are there is currently no central sanitary wastewater (sewage) collection and treatment facility service available for the proposed use. All wastewater generated by the facility must be treated by an individual sewage disposal system (ISDS). Another key issue is the lack of adequate water for fire protection. The petitioner’s alternative fire protection includes a large storage tank. This is a serious issue, which has not been finalized or accepted by the Grand Junction Rural Fire District. To date, a fire plan has not been presented to the Planning Department or the Fire District. The initial thought for this proposal, which was initiated over a year ago, was an alternate fire plan would be necessary. Clifton Water does not provide fire flows to this area. Once the review began, Clifton Water indicated they could provide fire flows to this project. This caused a shift in direction as far as the tanks were concerned. Mr. Hinderaker presented color photos of the subject property. Because the fire flow issue has not been finalized, staff feels it is premature to bring this before the Mesa County Planning Commission and the Board of County Commissioners, however the petitioner insisted it go forward. The petitioner is willing to spend $50,000 for an on-site tank for Clifton Water’s off-site improvements in lieu of the
alternative fire protection system. Because of Mesa County’s position on the fire flow issue, the petitioner has been forced to proceed with an alternative fire protection plan. To date, this plan has not been submitted to the Mesa County Planning Department or the Grand Junction Rural Fire District. They have not reviewed, approved or accepted any alternative fire protection plan. Staff is hesitant to recommend approval because of this issue. If this application is approved without a plan in place, and the alternative fire protection plan is not approved, then there is a property rezoned PUD where nothing can be done with it.

**Staff’s Recommendation:** Denial. The petition does not demonstrate compliance with Section 3.7.2.F. (4-5) and Sections 3.1.17 (A-B) of the 2000 Mesa County Land Development Code. Although the petition does demonstrate compliance with the Mesa Countywide Land Use Plan, the lack of verifiable fire protection warrants the complete denial of this proposal.

**Questions:** Vice Chairman Nystrom asked about the Land’s End Fire District, which has been approved, and if this would help with the fire plan? Mr. Hinderaker said ultimately it would have to be determined which district they will be placed in. They are currently in Grand Junction’s district. Vice Chairman Nystrom said maybe this item should have been continued to August 1. Mr. Hinderaker said they have been dealing with this for over a year, and with agencies outside the control of the Mesa County Planning Department. It all hinges around fire protection. Initially, Clifton Water could not provide fire flows, then halfway through the process Clifton Water said they could. The petitioner has been frustrated with the process, and wanted to state his case.

**Petitioner’s Presentation:** Chris McAnany, representing Lyman Hubbard, the applicant. This sounds like an ill-conceived project, but a lot of thought has gone into this project. It is correct that this started over a year ago. Staff has outlined criteria for PUD/Rezone approval. The availability of services seems to be the only constraint. This project is otherwise in compliance with the Whitewater/Kannah Creek Plan. Surrounding compatibility is not an issue. They originally intended to have on-site fire flows through storage reservoirs to provide emergency fire protection. It was determined that the applicant should approach Clifton Water. In the course of those discussions, Mr. Hubbard was prepared to make substantial off-site improvements to Clifton Water’s facilities for water flows for fire protection. Improvements would benefit not only this property, but also other properties in the area. This would get fire flow volumes closer to other Whitewater residences. Mr. Hubbard’s initial contact with Clifton Water was positive, but Clifton Water felt compelled to yield to the plans set by Mesa County. Clifton Water has an IGA with Mesa County, whereby planning decisions are yielded to the County. Mr. Hubbard’s dilemma is the County said he cannot proceed because he cannot demonstrate water fire flows. Clifton Water told him to first get County approval. Clifton Water is deferring to the County for the lead planning agency on this. Clifton Water is prepared to provide service to this development, but the problem is the fire flow. It can go forward with Clifton Water fire flows or the on-site storage basin. Mr. Hubbard is prepared to construct a complete on-site storage facility. He would prefer to install off-site improvements to Clifton Water’s facilities. Mr.
McAnany asked the Commission to approve this project conditionally, subject to the condition that the applicant obtain adequate fire flows, either by Clifton Water or on-site storage and detention. The basis is because the development is consistent with the Master Plan. This is what has been planned for the area. Clifton Water is already providing service in the area. The Grand Junction Rural Fire Protection District acknowledged that on-site fire flow storage is acceptable. It is authorized by the Code in Section 7.9.3.B.1. The applicant also proposes a sprinkler system within the building. Mr. Hubbard would prefer the infrastructure be installed on a permanent basis. The County has elected not to give the go-ahead to Clifton Water, because proceeding would be in violation of the IGA. It was alluded to by staff that the statement of purpose for Clifton Water does not authorize fire flows. That is true in part, but it does not mention fire flows. Staff interpreted this to mean that extended service would be contrary to the IGA with the County. Mr. McAnany referred to the Whitewater/Kannah Creek Plan. Section 3.7.2.F.5, PUD Approval Criteria, of the Code was pointed out by Mr. McAnany. Regarding this, the applicant can have these services in place before breaking ground. This is a concept plan.

**Questions:** Commissioner Kresin referred to the 6/20/01 review comment from Grand Junction Fire Department, which stated cisterns for fire flow requirements are agreeable in concept but need to be accepted by the Grand Junction Rural Fire Board. This was over a year ago, and the concept was not taken forward. A 200,000-gallon storage tank would have to be provided. Commissioner Kresin asked why they did not pursue the cistern rather than pursuing this with Clifton Water District? Mr. McAnany said the concept of on-site storage is the second best alternative. Mr. Hubbard was instructed to pursue service alternatives through Clifton Water. In May of 2002, they received correspondence from Clifton Water saying they are agreeable in concept. They learned on June 7, 2002, that Clifton Water couldn’t approve the service without County approval. Having hit that roadblock put them to Plan B. The petitioner is willing to do what it takes, but needs to know what it’s going to take. Commissioner Kresin said it is clear to him which direction the petitioner should have gone. Mr. McAnany said adequate fire flow is critical. The question is the mechanics of how to do this.

**Public Comments:** Deloss Proctor, 2684 Delmar Drive, Grand Junction. Represents CD Estates, which owns most of the lots in Elk Run Subdivision. He has several concerns not addressed tonight. What will be the increased decibel level generated by trucks at the gas station? There will be brake noises and engine noises. Fire flow concerns him as well. He didn’t see on the plan any retaining pond for accidental spillage of fuel to keep it from going down the draw in the area. After entering Elk Run Subdivision, the draw goes 220 feet and enters the ditch for Kannah Creek II. This could be detrimental to Elk Run and Kannah Creek II. Elk Run is at an elevation above this site. Noise travels at line sight without inhibitance, and loss of decibels.

Ronnie Reed, 3220 Hwy 50, Whitewater. He owns the property just west of the subject property. He has lived there 12+ years, 400 feet from Hwy 50. People come to
his house in the middle of the night when they have run out of gas. They have borrowed, bought and stolen it from him. There is a big need for this in the area. Mr. Reed presented a letter from the property owner to the east that needs to give an easement for this to happen. She is ill and could not attend tonight. Mr. Reed read the letter from Randi Garcia, 4000 Hwy 50 South. The letter was entered into the record as Public Comment Exhibit A. Ms. Garcia was in favor of the proposal, and felt it was an important addition to the Whitewater community.

Robert Dixon, 202 North Avenue #267, Grand Junction. District Manager and Board Member of the Grand Junction Rural Fire Protection District. They do contract with the City of Grand Junction for service in the area. Their recommendations are what their Board agrees with. They are in favor of the proposal. Land’s End Fire Protection District is preparing to start fire response services. They do have the equipment and personnel. Mr. Dixon indicated they encourage the development of the fire flow in the area by Clifton Water. Grand Junction hopes to turn all fire services over to the Land’s End District for the area when they can.

Vice Chairman Nystrom asked about Land’s End Fire Protection’s equipment. Mr. Dixon said they have 2 ambulances, staffed part-time. AMR is also available from Grand Junction. They have a 2,000 gallon water tender, a 1,000 gallon Class A pumper and a 750 gallon Class A pumper and rescue vehicle. They have gear and hoses and self contained breathing apparatus. They want to make sure they are adequately trained before moving into this role.

Craig Sherwood, 75 Reeder Mesa Road, Whitewater. Mr. Sherwood urged the Commission to allow this application to proceed. This is needed in the area. He attended all the meetings for the Whitewater/Kannah Creek Plan. The group always expressed a need for a gas station/convenience store. The opportunity to have improvements of the fire flows and Clifton Water system in the area is great. This is important. This is an opportunity to speed up fire protection in the area.

Commissioner Fuller asked Mr. Hinderaker if this application could be approved with a fire protection plan in place. Mr. Hinderaker feels it is still premature. The petitioner needs to finalize this issue for presentation for review then come back before the Commission.

At this time, seeing no more public comment, Vice Chairman Nystrom closed the public portion of the hearing.

Petitioner’s Rebuttal: Chris McAnany. Mr. Hubbard is willing to undertake whatever it takes to get this project done. Valid comments were raised. They are sensitive to neighborhood issues. They do not feel the proposal is premature. The applicant has been working diligently and within the last month has hit the roadblock with Clifton Water. They will have a fire protection plan in place before breaking ground. The issue is not water to the site, but enough water to provide fire protection.
Discussion: Commissioner Caldwell said the petitioner should not be caught in a “Catch 22”. He is ok with approving this with the condition that fire flow is provided. Mr. Larsen said one issue that staff raised is if it is approved with conditions, and the fire issue is not resolved, then there is a zoning on a property that cannot be utilized. The Board of County Commissioners has not communicated anything to Clifton Water relative to extension of fire flows. Staff indicated concerns to Clifton Water with this proposal. He doesn’t believe there is anything in the IGA that precludes Clifton Water from making their decision to extend water. The issue relative to the extension of fire flows and their statement of purpose is a decision that must be made by them. Mr. Larsen agreed with Mr. Hinderaker’s suggestion that this is premature. Vice Chairman Nystrom said the location is ideal for the proposal. The petitioner is working with Clifton Water. The Planning Commission just needs to make a recommendation to the Board of County Commissioners. If it serves as a catalyst to get Clifton Water to run a line there, then that’s great. It’s a good idea if they can help get the fire flow going in that direction. Commissioner Bonella agreed with the gentleman about the need for fuel out there. There is also a safety issue. There is no place to park south of town for truckers. There is a lot of truck traffic in the area. If Mr. Hubbard is willing to put up $50,000 for fire protection, then that’s great. There is a rumor flying around for a new area plan that asks that this whole area be looked at. Perhaps the issue is not fire, but they don’t like what’s being proposed for that area. He asked Mr. Larsen if this is true. Mr. Larsen said this issue has nothing to do with a new plan for the area. Yes, they are looking at a new plan for the area. There is a capital improvement plan that Clifton Water has proposed and will happen in the next several years. Commissioner Moores has known Mr. Hubbard her whole life, but has no financial stake in the proposal. Commissioner Kresin recommends if approved, it should be wholly conditioned and no construction can start without resolution of fire issues, stormwater issues and ISDS issues. He doesn’t want to see a gas station either partially or wholly constructed without these issues being resolved. He would also include the condition that requires these items be done prior to start of construction. Commissioner Caldwell noticed on the site plan by the absorption field, it says detention. Mr. Hinderaker said Mesa County Engineering Department has reviewed this proposal and Jim Hugus feels a detention area is not necessary. Commissioner Fuller asked if approved with an alternative storage tank, could they still get Clifton Water fire flows out there? Vice Chairman Nystrom said there will be fire protection, they are just talking about fire flow. He doesn’t see the fire protection issue as big as some other issues underlying this proposal that they may not be privy to. Commissioner Fuller said it is a concept plan. Vice Chairman Nystrom said they might be making a really big deal of the fire flow issue which may not be a problem.

MOTION: Commissioner Kresin moved item 2001-129 PUD1 Hubbard Planned Unit Development Concept Plan/Rezone be forwarded to the Board of County Commissioners with recommendation of approval, subject to the resolution of stormwater and surface retention basin, fire flow requirements to be completed prior to start of construction and further subject to all staff and agency comments and requirements. Although this petition does not fully demonstrate compliance with Section 3.7.2.F. (4-5) and Section 3.1.17 (A-B) of the 2000 Mesa County Land Development
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Code, it does demonstrate compliance with the Mesa Countywide Land Use Plan with
the exception of fire protection, which should be completed prior to any construction.
Commissioner Fuller seconded the motion. A vote was called and the motion passed
unanimously 6-0.

2002-166 CUP1 IMPERIAL RANCH – CONDITIONAL USE PERMIT
Owner: Devere M. Bredvik
Location: 506 S. 21 ½ Road, Glade Park

This is a request for a Conditional Use Permit for the private outdoor storage of
unregistered automobiles and other vehicles, equipment and assorted materials on the
subject property. The Land Development Code classifies this as a junkyard.

Staff's Presentation: Dahna Raugh, Senior Planner, entered into the record the
case file and staff report, Mesa County Land Development Code, Mesa County Master
Plan, Staff Exhibit A (PowerPoint presentation), and 2 letters received today from
members of the public. Ms. Raugh presented the request. A Location Map was
exhibited. Items stored on the property include 50+ automobiles (the majority of which
are not registered), fuel tanks, water tanks, campers, trailers, motor bikes, snow
machines, other assorted equipment and vehicles, and other construction equipment
and construction materials. Code Enforcement sent a letter to the owner on March 4,
2002. This violation was included with the staff report. A Topographic Map was
exhibited. A building permit was issued to install a mobile home on the property. A
Certificate of Occupancy has not been issued at this time. Storage of these type of
items on this property as defined by the Land Development Code defines this property
as a junkyard. A site plan was exhibited. Color photos provided by the property owner
to illustrate his collection on the property were exhibited. Color photos taken by Ms.
Raugh of the subject property were also presented. Color photos of the subject
property provided to staff by owners of adjacent properties were shown. Section 3.8.A.
is the first criteria to consider for CUPs. The main impact of this use is a visual impact.
Section 5.2.12 of the Land Development Code was reviewed by Ms. Raugh. Setbacks
for storage as recommended by staff were presented. Glade Park Fire Protection
District has requested a 500-foot setback from 21 ½ Road. Staff recommended the
storage must be pulled at least 200 feet from the canyon rim. Section 3.8.B., regarding
facilities and services availability, pertains to the Glade Park Fire Protection District.
They recommended the storage be cleared from areas of trees and brush, be 500 feet
back from 21 ½ Road, and 100 feet from the driveway to the dwelling on the property.
Staff received many letters and phone calls from surrounding property owners who are
concerned with this use.

Staff's Recommendation: Approval, with the following conditions:

1. The location of the outdoor storage area shall be contained within a five-
acre footprint and no outdoor storage shall be permitted outside that area;
be at least 100 feet from property lines; be at least 100 feet from the
driveway for the dwelling on the property; be at least 500 feet from 21.5 Road; be at least 200 feet from the edge of the canyon on the southeast side of the property so that no storage is visible from adjacent properties or roads.

2. Trees and brush shall be removed from the storage area as required by the Glade Park Fire Protection District.

3. Other requirements of the Glade Park Fire Protection District must be met if an inspection of the property by the fire chief reveals that other fire hazard mitigation measures are necessary.

4. Outdoor storage shall be enclosed with a solid fence or wall at least eight feet tall. Enough vegetation should remain on the property to screen the view of the stored items and the fence surrounding the outdoor storage area. Stored items cannot be stacked above the height of the fence.

5. The stored items shall not create odors or leak fluids.

6. This CUP is for a personal outdoor storage of automobiles and other vehicles, equipment and materials. Commercial use of the property shall not be permitted.

7. All other County regulations such as, but not limited to, building codes, weed regulations, health regulations, etc. shall apply to the property and the storage use. The outdoor storage area must comply with all state and federal regulations regarding junkyards.

8. This CUP shall be valid for the current property owner only and shall not run with the land.

9. Conditions of approval shall be met within 90 days.

10. All structures on the property must meet the design standards of Section 7.6.3 of the Land Development Code regarding defensible space for wildlife hazard areas.

Section 7.6.3 of the Land Development Code describes methods required to minimize the potential for structures to be ignited by fire or for structure fires to ignite surrounding structures or vegetation.

**Petitioner’s Presentation:** Devere Bredvik. It was brought up that Mr. Bredvik confronted Vice Chairman Nystrom this afternoon on his property and asked who he was and why he was there. Vice Chairman Nystrom explained his presence there. Mr. Bredvik indicated he collects cars, specifically Imperials. He has his first car and his first boat. He lived in Teller County for 14 years and had nearly all these cars on his property. He had them legally and never had any trouble as far as any code violation, although there are rumors that suggest otherwise. They are not true. He enjoys the cars, they keep him busy. He is an A.S.E. certified technician. He has degrees in diagnostics and mechanics. He is extremely cautious about leaking fluids. Most are running vehicles with the exception of about 10% of them, which are “parts” cars. He moved to this property in April. He mentioned to his realtor, Dale Beede, that he had cars and the number that he had about 3 years ago. He was among the first 25% of people that bought property in the area. He bought the property because it was isolated and private. He thought he would have time to build outbuildings and put the collection
away as he did in Divide. He felt the property was far enough away from the neighbors that it wouldn’t cause any problems. This CUP has caused a lot of confusion for everyone. He does in fact have a collection and is not trying to run a business or a junkyard. He has found it odd that Mesa County is requiring him to have a junkyard for this collection. He would eventually like to build a house on this property. He has not had the opportunity to construct a barn or shed for these cars. This is unique, it appears, in this County. Some of these cars are quite rare. He does not turn cars over. He feels lucky to own property in this area. He wants to establish himself as a neighbor again and work through some of these issues. In Divide, he sold his property for a record price. Property value was not affected by his collection. His groundwater was not contaminated by leaking fluids. He had his well tested. He does not allow his cars to leak fluids. He brought the fire chief to his property to discuss how he could store the cars more safely. He wants to do whatever he can to make this happen and keep his cars. He thought it was his property and he could do what he wanted. Mr. Bredvik belongs to the Good Sam R.V. Club. He asked them about this situation and they shared a case with him regarding R.V. parking. Mr. Bredvik cited the case. He is sensitive to his neighbor’s needs and will do what he can to make his collection less visible. It is impossible to please everybody. He does have issues with the 90 day stipulation and if he can meet this condition. He is also not sure where he should put the cars, in the trees or not. He will work with any reasonable situation that he can.

Questions: Commissioner Kresin asked how many Imperials he has. Mr. Bredvik said he has approximately 45-50 Imperials and Chryslers, dating from 1960-1975. Only 3 are registered. Commissioner Kresin asked Mr. Bredvik if he is aware that in Colorado information for registration on a car is not sent after two years of not registering it and anything after 1975 is removed from the database entirely. Mr. Bredvik said he has re-registered some of them before and has driven them. Commissioner Kresin asked about the other debris, besides the cars. Mr. Bredvik said the construction materials present a problem because he can’t build his house and barn because he is dealing with this collection situation. Commissioner Kresin was curious about the number of motor homes, mobile homes and storage tanks. Those do not equate themselves to a car collection. Mr. Bredvik said all the water tanks are for his house and are at the house site. His mobile is being set up now. Mr. Bredvik also had a grazing contract last year and had cattle grazing there and would like to do so again. Commissioner Bonella asked about the old house trailer on the property. Mr. Bredvik said he would like to fix it up. The Winnebago is usually registered. The other trailer is operational. He lived in it for 9 months in Woodland Park. The bus on the property is registered and is storing tools. Commissioner Bonella asked Mr. Bredvik’s occupation. Mr. Bredvik indicated he is self-employed and draws a residual income from a previous business. He is a network marketer. Everything on the property is a hobby. He does not wish to run a business from his property. Commissioner Nystrom asked about the fuel tanks on the property and other items beyond those. Mr. Bredvik indicated there was fiberglass and snowmobiles and motorcycles.

Public Comments: Leo Landry, 520 21 ½ Road, President of the Homeowners Association of Ladder Canyon Ranch. Mr. Landry had written testimony from the EPA
and the BLM. Ms. Raugh presented this information to the Commissioners. He has not seen any of the vehicles move or any maintenance being done on them. He didn’t think any of his vehicles were Chryslers. They have covenants and bylaws for their subdivision. None of the lot owners want the CUP approved. It is an eyesore. Most of the other property owners’ land is above Mr. Bredvik’s property. He spoke with the fire chief of Glade Park. He feels that area is an extreme fire danger area. There would be a problem fighting fires even without the junkyard there. All of the cars are full of stuff, and could have toxic materials inside. There is also a liability issue. If this is a junkyard, he should have insurance. What if a fire starts? Who is liable? The impact of property values in the area is great. A junkyard in the area will cause a problem. He and his wife came 2400 miles from New Hampshire to live here. If there is any danger to his family or investment, who would be held accountable? He feels Mr. Bredvik hasn’t met any of the approval criteria of the Mesa County Land Development Code and he is against the use of this land and the nuisance that it is causing. He asked for denial. Ms. Raugh said the letter from Mr. Lamdin (EPA) was already presented and the other letter (from Dave Stevens of the BLM) was sent to her e-mail address today after 4 p.m. She had not previously seen this e-mail.

Mr. Larsen entered these items as Opposition Exhibit A and Opposition Exhibit B, respectively.

Vice Chairman Nystrom asked for public comments to be limited to 3 minutes each.

Paolo Scianna, 8260 S. Haven Street, Las Vegas. He owns 3 properties that look at the canyon rim of Mr. Bredvik’s property. He has seen no classic Chryslers on the property. Mr. Scianna presented a 1997 aerial photo of his property and the subject property. He also presented a 2001 aerial photo, which depicts the junk on the property from the air. A neighbor took the aerial photos (labeled as Opposition Exhibit C) which shows all the junk on the property. These were presented. There is no way this CUP should be allowed. There is nowhere on the property where this junk would not be seen by someone.

Rick Marcus, owns Lot 5, Ladder Canyon Ranch. Prior to October 1998, for 3 years, he searched for a retirement property. His property has mature trees, beautiful views, area for horses, great neighbors, etc. He never imagined looking at junk cars. He has seen the Imperials. At one time, Mr. Marcus had 9 first generation 280Zs. He doesn’t see how this situation can happen in a pristine area such as this. If this CUP is granted, a 5-acre footprint will end up being 10-acres. He prays this CUP will be denied.

Stephen Robbins, 1598 BS Road, Glade Park. He is a very good friend and immediate neighbor of Mr. Bredvik. Others may want this type of permit if this one is allowed. No matter how this is done, it will be junky and property values will go down. Others are paying higher taxes than Mr. Bredvik does. No one has ever seen a cow on his property. He went flying with a friend, and could see Mr. Bredvik’s property and all the junk from 10 miles away while still in Grand Junction. He doesn’t think all of it could
fit on 5 acres.  Putting a fence there wouldn’t hide anything.  This stuff is visible from miles around.  It sets a precedent that others might want to take advantage of.  Mr. Bredvik bought into a subdivision that has covenants that say this use is not allowed.

Scott Chausse, Lot 2, Ladder Canyon Ranch.  Zoning is AFT and they do have their covenants.  Mr. Bredvik is out of compliance.  Approximately 100 house lots of 35 acres are being sold or have been sold in the area.  None of these have business or commercial activity.  It is a beautiful area for homes.  Each person is only allowed to have one unregistered vehicle on their property.  Mr. Bredvik was out of compliance before the application for the CUP.  He should have to clean up the violation before, not after.  There is the potential contamination of the groundwater.  Even though Mr. Bredvik says he will maintain these vehicles, the cars are old and they will leak.  A geologist told him he is not sure how the water runs there, so it could go anywhere.  It could pollute water supplies.  A recent article stated in the fires near Denver, winds were so high, they were blowing embers ¼ mile away.  Even with a buffer zone, a fire with wind can blow embers easily.  He sees no valid reason why this should be approved.

Dale Beede, Realtor.  This is tough for him because he learned to like Devere over the years.  Their original meeting wasn’t pleasant.  Mr. Bredvik told him he had 6-7 cars and would build a barn for them.  Prior to closing on his land, it became 20-22 cars, but he would build a barn.  If this is approved, it is creating a double standard.  If Mr. Beede owned this land and wanted to develop it into a 140 home subdivision, the Commission would say he’s crazy.  They would say this is not in keeping with this area.  There would be people complaining about what he was going to do with the neighborhood.  If this is approved, all property values in Ladder Canyon Ranch will be diminished.  What kind of price can you put on property where no one wants to live?

Sybil Scianna, 8260 S. Haven Street, Las Vegas.  Owns Lots 23, 1 & 2, Filing 2.  They bought before Mr. Bredvik.  She could not be more flabbergasted or disappointed in what has happened.  Mr. Bredvik has been downright rude.  He has pulled up survey stakes.  She has never seen any maintenance on the vehicles.  It isn’t possible to maintain this many vehicles.  Pulling things away from the canyon rim would help her, but hurt the other neighbors.  Prior to buying their last 2 lots from their son; their son tried to sell them and couldn’t because of the trash.  Please deny this and make Mr. Bredvik clean his property.

Doug Freed, 586 Sunny Meadow Lane.  He has a cabin in Ladder Canyon.  The visual impact is great.  The junkyard is there.  There is just a stamp of approval for a junkyard in an area that is a nice residential and pristine place.

Roger Irvin, Lot 16, Ladder Canyon.  Permanent residence in Grand Junction.  They purchased their lot for the beauty of the area and the zoning.  A proposed junkyard, already in existence, disrupts what they were trying to attain from their purchase.  There is a fire issue.  Most people are on a cistern or have to drill for well
water. In the event of fire in a junkyard where fuels are stored, tire rubber, etc. common sense would tell you it would be a hot spot and difficult to extinguish.

Bridget Stomberg, 410 25 Road, Grand Junction. Has been associated with Mr. Bredvik for 8 years. She had no intention of saying anything tonight except she cannot honestly sit back and let him be dissected in such a manner. He is a man of incredible integrity and she thinks if people looked at his track record, if someone says comply, he complies. He tries his best within the time period. He is one of the most caring and compassionate people she has ever met. He gets distracted from his task because of this sometimes. He is concerned about his neighbor’s views. If a fire is going to blow, it would blow from anyone’s property. She is concerned about Mr. Bredvik and given the opportunity, he will comply. It may not be beautiful in its present condition, but he will comply.

A show of hands from the audience was given for those for and against the CUP. The majority of the audience was against the CUP.

Vice Chairman Nystrom closed the public portion of the hearing.

Petitioner’s Rebuttal: Mr. Bredvik said Ladder Canyon Ranch was advertised for sale with “no covenants”. Later there were some covenants with restrictions, but nothing pertaining to the use he is proposing. He has a signed contract for ranching operations that was good until last year. He will have cattle again this year or he will no longer apply for grazing benefits through his taxes. He spent $1,000 to have his property surveyed. He didn’t move any stakes. He did not tell Dale Beede how many cars he had during their first conversation. He did tell him later it was 45-50 cars. He never changed the numbers. He is tired of airplanes flying over his property and coming within 200 feet of the ground. There are so many pictures of his property. He feels his personal rights are being violated. Regarding other properties being for sale and not being able to sell because of his trash, it wasn’t because of Mr. Bredvik’s property but because of their asking price. The fire chief was at his property for 2 hours one day and said he would be willing to fight the fire and Mr. Bredvik would not want to lose anything. The cars won’t set the trees on fire, but vice versa. He does have a collection and he does maintain the cars. He would never move anything on to public land. He is trying to move in here and given enough time he can make a difference with his collection. Mr. Bredvik thanked the Commissioners for their time, and asked them to consider common sense and facts. To some degree he understands the neighbors’ concerns because of different emotions and beliefs, but he was surprised Bridget Stomberg spoke on his behalf. He has to sleep at night too, and his reputation means something to him.

Questions: Commissioner Kresin asked Mr. Bredvik if he was issued a code violation in Teller County prior to his departure. Mr. Bredvik said he was never issued a code violation in Teller County at any time. He said he could prove that if necessary. Then Mr. Bredvik said he wanted to clarify that. There were some concerns and he was never found guilty of a code violation. He believed one was issued and an inspection
was done and at that inspection it was concluded that he was not in violation and it never went anywhere, but there was at least once where something was written down. Commissioner Kresin said he was glad he clarified that because he did check with the officials in Teller County and Mr. Bredvik was issued a code violation. Mr. Bredvik said he believed he was issued one but it never went to court. Commissioner Kresin said that wasn’t his question. He was going on his integrity and he just flat out lied. Mr. Bredvik said he clarified that. Commissioner Kresin said he didn’t at first. Mr. Bredvik said he was never found guilty of any code violations in 14 years. Commissioner Kresin asked Ms. Raugh about the March code violation and the status. Ms. Raugh said it is on hold pending the results of the CUP request.

**Discussion**: Commissioner Caldwell said he is not willing to sanction it a junkyard. He doesn’t like the way it looks either, but he can’t vote for this. Commissioner Kresin cannot go along with this. This is not a car collection in his opinion. He can’t go along with motor homes and trash trailers as a treasure. This is an absolute situation of trying to clear a code violation by asking for a CUP. He would vote for denial. Commissioner Fuller agreed. The car collection doesn’t bother her, but mobile homes and campers and other things strewn about do. Building a fence and putting it in the center wouldn’t help. Commissioner Moores said one’s treasure is another’s junk. She had no problem with the car collection but most of the other stuff is too much for that area. He could put the cars in a barn and keep some of the better stuff, but needs to get rid of the rest. Commissioner Bonella agreed with the other comments. He would be appalled if this were next to his land there. Pictures say a thousand words. It is a dump, not a junkyard. He takes offense and hopes he is a man of integrity, but Mr. Bredvik shows pictures of cars, and staff shows pictures of junk. Junkyards don’t belong there. Vice Chairman Nystrom said driving in it’s not too bad. Trees help with screening, but when driving to the rim, it’s bad. The ridge is where most neighbors have a concern. Staff recommendation for a 5-acre envelope in the middle is an idea that would work, however, 50 cars plus everything else is excessive. In the past, with real junkyards, there have been amounts of cars and items to be stored. A fence would have a visual impact

**MOTION**: Commissioner Kresin moved item 2002-166 CUP1 Imperial Ranch Conditional Use Permit Private Junkyard, be forwarded to the Board of County Commissioners with recommendation of denial based on the fact that it does not comply with Table 5.1 of the Mesa County Land Development Code, which makes it unlawful to have a junkyard or outdoor storage in an AFT zone without a Conditional Use Permit, and Section 11.2.3 of the Mesa County Land Development Code making it unlawful to engage in development or remodeling or other activity of any nature upon land that is subject to the Land Development Code without all of the approvals required by this Land Development Code and Section C.R.S. 30-28-124-(1)(b)(l) making it unlawful to use any building, structure, or land in violation of any regulation in, or of any provision of, the Mesa County Land Development Code or any amendment thereto. Commissioner Bonella seconded the motion. A vote was called and the motion passed by a vote of 5-1. Commissioner Moores dissented.
Commissioner Kresin moved to adjourn. Commissioner Fuller seconded the motion. All were in favor. The hearing was adjourned at 10:30 p.m.

Respectfully Submitted,

Bruce Kresin, Secretary